

From: [Robert Werner](#)
To: casanova.rafael@epa.gov; [Gary Moore](#)
Cc: [Gloria-Small Moran](#)
Subject: Falcon Refinery (06MC) -- Fw: Status of Sale
Date: 03/22/2011 11:26 AM

FYI

----- Forwarded by Robert Werner/R6/USEPA/US on 03/22/2011 10:35 AM -----

RE: Status of Sale - REPLY 

Gloria-Small Moran to: Richard Bergner

03/21/2011
05:39 PM

Cc: Robert Werner

Thank you for your response.

Gloria Moran
Assistant Regional Counsel
Superfund Branch (6RC-S)
U.S.EPA, Region 6
1445 Ross Avenue
Dallas TX 75202-2733
214-665-3193
214-665-6460 (fax)
moran.gloria-small@epamail.epa.gov

▼ "Richard Bergner" ---03/21/2011 04:52:37 PM---Gloria:

From: "Richard Bergner" <rbergner@rfblaw.net>
To: Gloria-Small Moran/R6/USEPA/US@EPA
Date: 03/21/2011 04:52 PM
Subject: RE: Status of Sale

Gloria:

The property is under Contract and the closing has been extended until March 31, 2011. I am in the process of curing some last minute title issues that were not



9567053

reflected in the original Title Commitment. I will keep you advised.

Richard

From: Moran.Gloria-Small@epamail.epa.gov [mailto:Moran.Gloria-Small@epamail.epa.gov]
Sent: Monday, March 21, 2011 2:09 PM
To: Richard Bergner
Cc: Halasz, Stephen (Austin,TX-US)
Subject: Re: Status of Sale

Richard:

What is the status of the sale of the refinery?

Gloria Moran
Assistant Regional Counsel
Superfund Branch (6RC-S)
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Dallas TX 75202-2733
214-665-3193
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moran.gloria-small@epamail.epa.gov

From: Gloria-Small Moran/R6/USEPA/US
To: "Richard Bergner" <rbergner@rflaw.net>
Cc: "Halasz, Stephen \ (Austin,TX-US)" <SHalasz@trcsolutions.com>, Robert Werner/R6/USEPA/US@EPA, Rafael Casanova/R6/USEPA/US@EPA, Gary Moore/R6/USEPA/US@EPA
Date: 02/11/2011 04:53 PM
Subject: Re:

Richard:

By your email of yesterday, 2/10/11, the Region is advised that NORCO

is prepared to immediately resume work under the two AOCs. Prior to the commencement of work, however, the Region must receive written information concerning the buyer - name, address, contact information, intended use by the buyer of the property, schedule of activities toward the closing, etc.

In addition, the EPA has determined that NORCO is in violation of both AOCs. By the letter from you dated February 16, 2010, EPA was informed that NORCO was not financially able to perform the work under the AOCs. The Region will prepare a schedule of penalties plus interest, that must be paid before work can be resumed. It is possible that EPA can work with NORCO concerning an arrangement for these penalty payments. In addition, replenishment of the special accounts must be completed as a prior matter. Finally, because Mr. Halasz is with a new company, TRC Companies, this company must qualify as a Project Coordinator in order to perform the work required by the AOCs. Rafael Casanova and Gary Moore are responsible for assessing the qualifications of a company that is selected to perform work under the oversight of EPA.

I will send you a formal letter within the week concerning the details of this email. .

Thank you,

Gloria Moran
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From: "Richard Bergner" <rbergner@rblaw.net>
To: Gloria-Small Moran/R6/USEPA/US@EPA
Cc: "Halasz, Stephen \"(Austin,TX-US)\" <SHalasz@trcsolutions.com>
Date: 02/10/2011 02:17 PM
Subject:

Ms. Moran:

I am pleased to advise that National Oil Recovery Corporation ("Norco"), in connection with a Facility Purchase Agreement, dated effective 2/4/11, and scheduled for a March 15, 2011, closing, has made arrangements to immediately restart operations under its two AOC's.

Stephen Halasz, now with TRC Companies, Inc., 505 E. Huntland Drive, Suite 250, Austin, Texas 78752, will continue as Norco's Project Coordinator.

By copy of this e-mail to Mr. Halasz, I am requesting him to make contact with the EPA's On-Scene Coordinator for the Removal AOC and the Remedial Project Manager for the RI/FS AOC to discuss and implement this restart.

Thank you for your patience, which has helped Norco to attend to completion of the work contemplated under the two AOC's.

Richard F. Bergner